



Armenia

Country Reports on Human Rights Practices - [2004](#)

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Armenia is a republic with a Constitution that provides for the separation of powers; however, the directly elected president has broad executive powers that are not balanced by the legislature (National Assembly) or the judiciary. The President appoints the Prime Minister, most senior government officials, and judges at all levels. In March 2003, President Robert Kocharian was re-elected for a second 5-year term in elections marred by serious voting irregularities. The May 2003 parliamentary election was flawed similarly and did not meet international standards. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive branch, and corruption was a problem.

The National Police and the National Security Service are responsible for domestic security, intelligence activities, border control, and the police force. Both operate independently of any government ministry. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed a number of human rights abuses.

The slow but steady transition from a centralized command economy to a market economy continued. The country's economy remained primarily agricultural with manufacturing and expanding service sectors. The country's population was approximately 3 million. During the year, gross domestic product grew an estimated 10.1 percent. The inflation rate was 7 percent; unemployment was estimated at approximately 20 percent, and, in most sectors, wages kept pace with inflation. There was a high degree of corruption, income inequality, and continued consolidation of wealth into the hands of a select few. Approximately 43 percent of the population lived below the official poverty rate, a 7 percent decrease from previous years, and there was a large shadow economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces beat pretrial detainees, and impunity remained a problem. There were instances of arbitrary arrests and detentions. In April, police used excessive force to disperse an opposition rally, detained opposition politicians, and raided opposition party offices. During the year, the Government helped to create a civilian prison monitoring board and permitted independent monitoring of prison conditions. There were reports that the Government limited the right to privacy. There were some limits on press freedom. Journalists engaged in self-censorship to avoid problems with government authorities, and there were some instances of violence against journalists. The law places some restrictions on religious freedom. In October, the Government approved the registration of Jehovah's Witnesses as a legal entity. While the Government took steps to limit trafficking in persons, violence against women and trafficking of women and children remained problems. Societal harassment of homosexuals and Yezidis was also a problem.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings by the Government or its agents; however, there were some deaths in the military as a result of mistreatment.

The Military Prosecutor's Office reported six deaths; however, the cause of the deaths was unknown. Each case was investigated, but the Prosecutor did not announce final results.

There was one cease-fire violation along the border with Azerbaijan. In June, cross-border fire and shelling in the Tavush region resulted in a number of casualties on both sides.

During the year, there were a few deaths due to landmines, although reliable statistics were difficult to obtain. All sides involved in the Nagorno-Karabakh conflict used landmines, which have been laid along the 540-mile border with Azerbaijan and along the line of contact.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, government security forces employed them. Witnesses reported numerous cases of police beating citizens during arrest and interrogation while in detention. Most cases of police brutality went unreported because of fear of police retribution. Police used excessive force to disperse protestors after an 8-hour political rally on April 12 and 13; some journalists were among those beaten (see Sections 2.a. and 2.b.). Human rights nongovernmental organizations (NGOs) also reported claims by detainees that police beat them during pretrial detention.

In July, a law went into effect that changed the Soviet-era definition of mental illness. Although there have been no reported cases of wrongful psychiatric commitment, the law closes an apparent legal loophole that made unwarranted commitment possible. Under the new law, a person can only be forcibly committed by a court order and only if a panel of psychiatrists finds the person to be mentally ill and a danger to the community.

Although there was no reliable or current reporting on the full extent of military hazing, human rights NGOs reported that soldiers continued to complain of frequent hazing. In 2003, a local NGO estimated that there were 30 hazing incidents. Homosexuals and Yezidis, a non-Muslim, Kurdish, religious-ethnic group, also reported that they were singled out for hazing by officers and other conscripts (see Sections 2.c. and 5). Military officials did not take any significant measures to limit or stop the hazing.

Mikael Danielyan, director of a human rights organization, was beaten by four unidentified persons near the entrance to his home (see Section 4). At year's end, there was no progress in the investigation of an attack on opposition politician Ashot Manucharian.

Prison conditions remained poor and posed a threat to health. Holding and detention cells were overcrowded, and most did not have toilets. Prison authorities did not provide most inmates with basic hygienic supplies. According to the newly formed Civil Society Monitoring Board (CSMB), prisoners remained at a high risk to contract tuberculosis, and adolescents held in juvenile facilities rarely were provided with the schooling required by law. The CSMB also reported that, in certain jails, prisoners paid bribes to move into single occupancy cells and to obtain additional comforts. In some prisons, monitors noted that prisoners had difficulty mailing letters and that some prison officials did not facilitate family visits adequately.

Men, women, and juveniles were held in separate prisons, and pretrial detainees were held separately from prisoners. CSMB monitors reported that female prisoners had more freedom of movement, and that their facility was cleaner and better equipped and maintained than prisons for men.

The Government permitted independent monitoring of prison conditions by local NGOs and international human rights groups such as the International Committee of the Red Cross (ICRC). In June, the Ministry of Justice (MOJ) authorized the CSMB to visit prisons without giving advance notice; however, the National Police Ministry did not allow some local monitoring groups to visit holding cells where detainees could be kept for up to 3 days without charge and where most abuse was believed to occur.

The ICRC and CSMB had access to all detention facilities, including holding cells, prisons, and local police stations to conduct independent monitoring and to meet with detainees and prisoners. Both reported that prisoners spoke freely and openly about their treatment and prison conditions.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, in practice, the authorities continued to arrest and detain criminal suspects without legal warrants. Impunity was a problem.

The police and the National Security Service (NSS) are jointly responsible for domestic security, intelligence activities, border patrols, and the police force. Both are independent government ministries that lacked training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported to local and international monitoring groups that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity was a serious problem. Corruption also remained a large problem in the police force and security service.

To make an arrest, prosecutors and police must first obtain a warrant from a judge except in cases of imminent flight risk or when a crime is in progress. Judges rarely denied police requests for arrest warrants, and police sometimes made arrests without a warrant, often on the pretext that detainees were material witnesses.

There is no bail system; however, a prisoner may be released to a form of house arrest under certain circumstances and at the discretion of the court; however, most defendants remained in detention.

The law also requires police to inform detainees of their right to remain silent, to make a phone call, and to be represented by an attorney from the moment of arrest and before indictment; however, in practice, police did not always abide by the law. Police often questioned and pressured detainees to confess prior to indictment when they did not have an attorney present. According to the law, a detainee must be indicted or released within 3 days of arrest, and this procedure was followed in practice. Police sometimes restricted access to detainees by family members.

During protest rallies in the spring, arbitrary detention was a problem. According to the country's Human Rights Ombudsman and a human rights NGO, between April 13 and 15 police detained and questioned 115 individuals in connection with an April 12-13 protest rally. Approximately 35 were held in detention for up to 15 days under a Soviet-era law that prescribes administrative detention (see Section 2.b.).

On May 20, police detained up to 25 opposition activists in anticipation of an opposition rally. According to media reports and opposition sources, the authorities fined and released some of the activists; however, more than a dozen were detained for up to 10 days under the administrative detention law for using foul language and insulting police officers. In most of these cases, defense attorneys were not allowed to meet with detainees until after court proceedings were completed. The rallies took place as planned, and they proceeded peacefully.

Lengthy pretrial detention remained a problem. According to the law, a suspect may not be detained for more than 12 months

pending trial; however, in practice, this provision was not always enforced. Both prosecutors and defense attorneys frequently requested trial postponements on the grounds that they required more time to prepare for trial.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, courts were subject to political pressure from the executive and legislative branches, and corruption was a problem. Unlike in previous years, lengthy public trials were not a problem.

The Constitution provides for a three-tier court system. The highest court is the Court of Cassation. There are also two lower-level courts: The Court of Appeals; and courts of the first instance. Most cases originate in courts of first instance; appeals are lodged with the Court of Appeals and the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related questions; however, it can only accept cases proposed by the President, approved by a two-thirds majority of Parliament, and cases on election-related issues brought by candidates who ran for parliament or president. These limitations, combined with the judiciary's lack of independence, prevented the Constitutional Court from ensuring compliance with the human rights safeguards provided by the Constitution.

Under the Constitution, the Council of Justice, which is co-chaired by the President, the Prosecutor General, and the Justice Minister, appoints and disciplines judges for the courts of first instance, Courts of Appeals, and the Court of Cassation. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the president dominant influence in appointing and dismissing judges at all levels.

The Constitution requires that all trials be public except when government secrets are at issue. Juries are not used in trials; a single judge issues verdicts in all courts except the Court of Cassation and the Constitutional Court, where a panel of judges presides.

Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment.

They also have access to a lawyer of their own choosing, and the Helsinki Association reported that the Government provided a lawyer to defendants who requested legal counsel; however, individuals often chose to defend themselves. More than half of all defendants chose to argue their own case in court due to the perception that public defenders colluded with prosecutors.

Defendants may confront witnesses and present evidence. Defendants and their attorneys may examine the Government's case in advance of trial. Judges generally granted requests by defendants for additional time to prepare their cases.

The Constitution provides for the presumption of innocence; however, in practice this right was not always observed. Prosecutors often did not begin a trial if they believed they would not obtain a guilty verdict. As a result, defendants remained in detention during extended pretrial investigations. Both defendants and prosecutors have the right to appeal.

The law does not allow detainees to file a complaint prior to trial to address alleged abuses committed by the Prosecutor's Office, the police, or other security forces during criminal investigations. Failure to testify is a criminal offense; detainees must obtain permission from the police or the Prosecutor's Office to obtain a forensic medical examination to substantiate a report of torture. Defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions; however, defendants stated that judges and prosecutors refused to admit such evidence into court proceedings even when perpetrator(s) could be identified.

There is no military court system; trials involving military personnel take place in civilian courts, but they are handled by military procurators. Military prosecutors performed the same functions as their civilian counterparts and operated in accordance with the criminal code.

In April, a court of appeals upheld the convictions of some of the defendants who were convicted for murder and terrorism in the 1999 attacks on the National Assembly. In December 2003, a Yerevan district court sentenced six persons to life in prison; a seventh received a 14-year sentence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or

Correspondence

The Constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of correspondence, conversations, and other communications; however, the Government did not always respect these rights in practice.

Under the law, authorities must obtain permission from a judge, on the basis of compelling evidence, to wiretap a telephone or to intercept correspondence; however, in practice the law was not strictly enforced and some judges arbitrarily granted permission.

In May, an opposition leader complained that authorities had tapped his telephone.

The law also requires authorities to obtain search warrants, and allows the judiciary to exclude evidence obtained without a legal warrant. In several cases, judges refused to issue warrants because of a lack of compelling evidence and excluded evidence from trials that was obtained illegally.

Unlike the previous year, there were no reports of forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. However, police, at times, maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government partially limited freedom of speech, and there were several incidents of violence, intimidation, and self-censorship.

On April 12, according to several media reports, police detained a man in the capital for attempting to announce an opposition rally scheduled for later in the day. He was detained and released after questioning.

Most newspapers were privately owned with the exception of Hayastani Hanrapetutyun and its Russian-language version Respublika Armenia. The state printing house and distribution agency, which published many of the country's newspapers, functioned as commercial enterprise with no apparent government intervention. No newspaper was completely independent of patronage from economic or political interest groups or individuals. According to the Yerevan Press Club, total newspaper circulation in the country was 60,000, an increase of 20,000 from the previous year. There were 27 newspapers available in the capital, 6 of which were published daily and the remainder less frequently.

Because of low newspaper circulation, most persons in the country relied on television and radio for news and information. Nationwide, there were more than 20 radio stations and more than 40 television broadcasters; most were privately run. In the capital and other regional cities, private television stations offered generally independent news coverage of good technical quality; however, the substantive quality of news reporting on television and radio varied due to self-censorship by journalists and the stations' dependence on patronage.

Senior officials within President Kocharian's office continued to significantly influence state television news coverage by providing policy guidance to Public TV of Armenia. While the news reporting on Public TV was mostly factual, it avoided editorial commentary or criticism of the Government. For example, it provided little coverage of the April 12 and 13 political demonstrations in the capital (see Sections 1.d., 2.b. and 3).

In March 2003, Kentron TV, a new, national television channel affiliated with a widely distributed newspaper with ties to the opposition, was awarded a broadcast frequency that belonged to A-One Plus, one of the country's last independent television stations. Some critics of the decision, made by the National Commission on Radio and Television, said A-One Plus lost its broadcast license in 2002 because of sharp critical coverage of President Kocharian's administration.

In October, Kentron television chose to discontinue program collaboration with Radio Free Europe/Radio Liberty. Kentron's director stated that agents of the Government had not contacted his station about the program but that it felt pressure to replace the program. In the past, Kentron TV replaced on-air personalities for lacking objectivity and being too political.

Major media outlets in the country were generally pro-government. For example, during the 2003 presidential election campaign, the majority of the media, including Public TV of Armenia, most private television stations, and the major state-funded newspaper, all provided heavily biased news coverage that favored incumbent President Kocharian.

International media outlets operated freely in the country. Local stations rebroadcast several Russian television stations and CNN, and authorities did not censor the few international newspapers and magazines that were available in the country.

Harassment of journalists was a problem. At an April 5 opposition rally, men in civilian clothing smashed the video cameras of at least four journalists, assaulted several reporters, and destroyed filmed footage of the events. According to eyewitness accounts, police stood by and did not intervene to stop the attacks. On June 10, a court found two men guilty of the attack; each was ordered to pay a fine of \$188 (100,000 Dram).

On April 13, police beat at least three journalists and destroyed or confiscated their video cameras after an opposition rally. The journalists maintained that they had identified themselves to police as working reporters.

On August 24, a journalist was assaulted after photographing a luxury villa owned by a Member of Parliament as part of a report he and a colleague were preparing. In October, a court of first instance sentenced a man to 6 months in jail for the assault.

There also were unconfirmed reports of incidents of harassment and intimidation of journalists outside the capital.

There was no official censorship; however, there were continued reports of intimidation of journalists, and some print journalists continued to practice self-censorship to avoid problems with the Government and because of pressure from official sources.

In June, the Government repealed a provision in the criminal code that punished libel of a public official with up to 3 years' imprisonment; however, violations were still considered to be a criminal offence. The revised code increased financial penalties for libel as well as the penalty for libeling a government official.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, there were some limits on this right.

In March and April, authorities denied several requests from opposition parties for permits to organize rallies and demonstrations in the capital and other cities. The Government did not interfere when small rallies took place without permission. However, between April 13 and 15, police detained and questioned 115 persons in connection with an April 12 and 13 protest rally that attracted an estimated 7,000 persons; approximately 35 persons were detained for up to 15 days (see Sections 1.d. and 3).

On April 13, at approximately 2:00 a.m., police used excessive force to disperse hundreds of protesters who remained in front of the National Assembly and had blocked a major city street for more than 8 hours. A number of protesters sought treatment for injuries at a local hospital, some of which were caused by police use of flash grenades, water cannon, and batons. Police also beat several journalists who covered the opposition rallies (see Section 2.a.) and ransacked opposition party offices after dispersing the protestors.

On April 28, the National Assembly passed a law that lifted the requirement to obtain a government permit to organize rallies or demonstrations. Organizers now must only notify authorities in advance of their plans for such events. However, the new law, which took effect in June, limits the locations where demonstrations can be held without permission. For example, demonstrations in front of government offices, monuments, and venues where another rally or public event is taking place still require a police permit. The law also empowers police to break up illegal rallies and demonstrations, particularly those that encourage violence and the overthrow of the Government.

The Constitution provides for freedom of association; however, there were some limits on this right. Registration requirements

for all political parties, associations, and secular and religious organizations remained cumbersome, exacting, and time-consuming. In 2003, the Government compelled some human rights and political organizations to revise their bylaws several times before approving their registration application; however, during the year, no human rights groups or political organizations reported problems with registration.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, there were some restrictions in practice. The Armenian Apostolic Church has formal legal status as the national church, and enjoys some privileges not afforded to other faiths.

The law grants specific rights to minority religious groups that register with the National Registrar. Religious organizations that are not registered cannot publish newspapers or magazines, rent meeting places on government property, broadcast television or radio programs, or sponsor official visitors.

In October, the State Registrar registered the Jehovah's Witnesses as a legal entity. The group had applied for registration 13 times since 1995. In November, senior members of the Armenian Apostolic Church called on the Government to reverse the registration, saying the group's activities ran counter to the country's interests. The Government ignored these requests.

The law prohibits "proselytizing," which is not defined in the law, by minority religions and bans foreign funding for foreign-based churches; however, neither ban was enforced and members of Jehovah's Witnesses reported gains in membership.

Unregistered religious organizations may not import large shipments of religious literature; only small quantities were allowed into the country for private use. The law also requires all religious organizations, except the Armenian Apostolic Church, to obtain prior permission to engage in public religious activities, travel abroad, or to invite foreign guests to the country; however, in practice, no travel restrictions were imposed on any religious denomination.

The Jewish community reported several incidents of verbal harassment during the year. The director of ALM TV frequently made anti-Semitic remarks on the air, and the Union of Armenian Aryans, a small, ultranationalist group, called for the country to be "purified" of Jews and Yezidis.

In May, Jewish groups complained to government authorities about the distribution of anti-Semitic literature. Authorities said the imported literature apparently violated the Law on Distributing Literature Inflaming National Hatred and recommended that the groups file a complaint with the Prosecutor General's office. However, neither police nor Jewish groups were able to identify the importers, and Jewish leaders had not taken any formal action by year's end.

On September 17, offices of the Jewish community in Yerevan received a message that vandals had damaged the local memorial to the victims of the Holocaust. Several photographs of the memorial were taken, and the vandalism was reported immediately to the local police, the Ministry of Religious Affairs, and the government-owned television channel. A television crew arrived at the site together with an official from the Jewish community in Yerevan and discovered that the memorial had been wiped clean, apparently by the park guard. There was no further investigation into the incident.

Yezidi leaders reported that police and local authorities subjected their religious community to discrimination and that a small ultra-nationalist group, the Union of Armenian Aryans, had called for the country to be "purified" of Yezidis (see Section 5, National Minorities).

According to observers, the general population viewed "nontraditional" religious groups with suspicion and expressed negative attitudes about Jehovah's Witnesses, because they refused to serve in the military and misunderstood their proselytizing practices. Jehovah's Witnesses continued to be targets of hostile sermons by some Armenian Apostolic Church clerics and experienced occasional societal discrimination.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim Azeri population had left by 1991. The few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although one surviving 18th century mosque in the capital remained open for Friday prayers. Although it was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there. Approximately 1,000 Muslims resided in the capital.

In June, a new law on Alternative Military Service, took effect to exempt conscientious objectors from the draft, and, by year's end, the National Assembly completed all legal requirements to implement the law. However, 10 members of the Jehovah's Witnesses remained in prison for refusing compulsory military service as conscientious objectors before the law went into effect; 3 others were in pretrial detention for draft evasion or desertion, and 17 others who were imprisoned, were released to house arrest after serving one-third of their sentences.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41668.htm).

d. Freedom of Movement Within The Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, in practice, there were some restrictions on these rights.

The Government generally did not restrict internal movement, and citizens had the right to change their residence or workplace; however, corruption and an inefficient bureaucracy hindered citizens' efforts to register changes.

In April, human rights groups reported that police stopped cars from entering the capital in an attempt to prevent opposition members from attending protest rallies.

The law requires authorities to issue passports to all citizens, except for convicted felons; however, an exit stamp may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, or whose relatives have lodged financial claims against them. An exit stamp is valid for up to 5 years and may be used without limit. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

The Constitution does not prohibit forced exile; however, there were no reports that the Government employed it.

In December, the Norwegian Refugee Council reported that 4,077 internally displaced persons (IDPs) lived in the country.

During the country's war with Azerbaijan, the Government evacuated as many as 65,000 persons from the border region, but most returned or settled elsewhere. Of the 4,077 remaining IDPs, almost two-thirds could not return to their villages, which are surrounded by Azeri territory. Others chose not to return because of a collapse of industry near the border and a fear of landmines. IDPs enjoyed full rights as citizens, but the Government has not created any special programs to help them adjust to their new surroundings. There were no reports of abuse of IDPs.

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to most refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government grants refugee status or asylum; however, during the year, no refugees were granted asylum; 10 were denied asylum.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Since 1988, the Government has accepted as many as 360,000 refugees from Azerbaijan. In February 2003, the law on refugees was amended to improve temporary protection for an estimated 12,000 ethnic Armenian refugees from Chechnya and Abkhazia.

During the year, the Government also provided temporary protection to approximately 96 individuals who did not qualify as refugees under the 1951 Convention/1967 Protocol. Most of these individuals were ethnic Armenians fleeing war in Iraq.

There was an established procedure to recognize asylum, but border officials had little training on asylum issues, which, at times, caused delays at airports and land borders.

Ethnic Armenian refugees from Azerbaijan are eligible for citizenship upon request, and other ethnic Armenians can generally receive resident status and citizenship after a slightly longer process.

Unlike in the previous year, there were no reports of harassment of refugees.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the right was restricted in practice due to continued flaws in elections.

International observers found both the 2003 presidential and parliamentary elections to be well below international standards. There were serious irregularities, including ballot box stuffing, discrepancies in vote counts, partisan election commissions, and wide use of public resources to support the incumbent president.

Authorities harassed opposition supporters, including arrests. Unlike in previous years, there were no reports of punitive job dismissals. In Yerevan, more than 200 persons were detained between the 2 rounds of the presidential election in February and March 2003 for participating in unsanctioned campaign rallies.

Opposition candidates filed several legal complaints with the Constitutional Court challenging the results of the presidential election. In March 2003, the high court said it had identified irregularities and criticized the Government's handling of the electoral process; however, it ruled that there was no constitutional basis to change the outcome of the election.

From March through May, opposition groups demonstrated in the capital and other major cities to demand a referendum on the mandate of the President. At the height of a protest on April 12, approximately 10,000 individuals gathered in front of the National Assembly. Police used excessive force to disperse some 1,000 protesters in the early morning hours of April 13 (see Section 2.b.).

Of the 131 seats in the National Assembly, 96 were occupied by pro-government parties or deputies that make up the governing coalition. Unaffiliated deputies held 17 seats, most of whom voted frequently with the pro-government bloc. Opposition candidates and parties secured 22 seats; a few of the unaffiliated deputies voted with the opposition.

Corruption was perceived to be widespread. According to an opinion survey released in September by a local research institute, a large majority of citizens believed that corruption exists "in all spheres and at all levels" in the country. A similar survey in 2003 indicated that citizens believed that corrupt authorities were not truly committed to fighting corruption.

In January, the Government adopted an ambitious anti-corruption strategy, and, in March, the President appointed a special commission to implement it. During the year, the commission primarily focused on establishing its internal organizational procedures.

In 2003, the Government adopted the Law on Freedom of Information, which provides for access to information as well as its dissemination and transparency; however, the law was rarely followed, and most journalists and officials remained unaware of its provisions.

There were 6 women in the 131-seat Parliament but no women in the cabinet. There were no ethnic minority representatives in the Cabinet or in Parliament.

The country's population is homogeneous; at least 98 percent were ethnic Armenians. Minorities are not prohibited from running for election, and some have done so.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of

Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year, more than 20 local religious and human rights organizations operated in the country.

The Government was generally cooperative with international NGOs, and there were no reports of government harassment of other international human rights NGOs.

On March 30, the director of a human rights organization, Mikael Danielyan, was beaten by four unidentified persons near the entrance to his home. According to Danielyan, the attack was triggered by an interview with an Azerbaijani newspaper. According to observers, some local groups interpreted his remarks about the country's authorities as traitorous. Danielyan reported the attack to authorities and to the country's Human Rights Ombudsman. The Prosecutor General opened an investigation into the case, but Danielyan refused to cooperate with the investigation. At year's end, there was no significant progress in the investigation (see Section 1.c.).

In March 2003, the Helsinki Citizen's Association suspected that a fire at one its regional offices was caused by arson; however, an investigation later showed the fire began as a result of faulty wiring.

In June, the Government cooperated with a commission from the Parliamentary Assembly of the Council of Europe, which reviewed the human rights situation in the country. The commission reported that, while the Government has made some progress, the most important areas for reform in the near future are election laws, the constitution, and the judiciary.

In February, the President appointed the country's first Human Rights Ombudsman, amid questions by numerous human rights NGOs and the Council of Europe about the ombudsman's independence from the Government. During the year, the Human Rights Ombudsman created a public working group focused on securing the rights of minority religious groups. Local organizations attended the working group meetings.

However, according to a report released in December, which was sponsored by the U.N. Development Program (UNDP), the ombudsman's office suffered from internal disorganization and a perceived lack of independence from the Government during its first year of operation. The ombudsman acknowledged the report's recommendation to improve the office's operations.

Section 5

Discrimination, Societal Abuses, and Trafficking in

Persons

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, there was societal discrimination against women, ethnic minorities, and persons with disabilities.

Women

There is no law banning domestic violence against women, and few cases of spousal abuse or other violence against women were reported during the year; however, such violence was believed to be widespread.

While there is no recent information on the extent of the problem, a 2001 survey conducted found that 45 percent of respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse.

Most cases of domestic violence were not reported to police because victims were either afraid of physical harm and feared that police would return them to their husbands or were embarrassed to make family problems public. Several NGOs in the Yerevan and Gyumri areas and in Martuni provided shelter and assistance to battered women; however, it was rare for battered women to have psychological or legal counseling.

Rape and spousal rape are illegal and carries a maximum 15-year prison sentence. By year's end, authorities registered 52 cases of rape and attempted rape and no deaths in connection with rape. According to the Prosecutor General's office, authorities identified and prosecuted 51 suspects in rape cases.

Trafficking in women for sexual exploitation was a problem (see Section 5, Trafficking). Prostitution and sex tourism is not illegal, but operating brothels is prohibited. Operating a brothel or other forms of pimping is punishable by 1 to 10 years' imprisonment.

According to the NGO Hope and Help, there were between 5,000 and 6,000 prostitutes in the country, and approximately 1,500 of them were registered in the capital.

The law does not specifically prohibit sexual harassment, although articles in the criminal code address different aspects of sexual harassment such as lewd acts or indecent behavior. Many of these offenses are not clearly defined, but punishments range from fines to imprisonment. Some offenses are actionable under civil law. However, societal norms did not consider cases of sexual harassment worthy of legal action.

The law provides men and women with equal status; however, gender discrimination existed and was a continuing problem in the public and private sector.

For example, although the law states that women should receive equal pay for equal work, a recent survey in Yerevan reported that, overall, women earned 40 percent of what men earn.

Women generally were not afforded the same professional opportunities as men and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. More women than men were enrolled in university and postgraduate programs, but all doctoral candidates were men.

Children

The Government is committed to protecting children's rights and welfare; however, it did not have the economic means to fulfill its commitment.

Education is free, universal, and compulsory through age 14; it is then optional through age 16 (complete secondary education). According to a 2003 U.N. Development Program survey, 84.3 percent of students completed schooling through age 14, and 36.7 percent studied through age 16. Girls and boys received equal educational opportunities; however, many facilities were impoverished and in poor condition. Some teachers were known to demand bribes from parents in return for good or passing grades for their children. Access to education in rural areas remained poor, and children's work in fields during harvest season took precedence over school.

In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lacked Yezidi teachers and books in their native language.

Free health care was available for all children through age 8 for treatment of some diseases and for emergency care, but care often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued. Boys and girls had equal access to health care.

Child abuse was a problem; however, the Prosecutor General's office did not report any cases of child abuse during the year.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.). However, there was no reliable or current reporting on the extent of the problem.

In 2003, the Ministry of Social Welfare estimated that there were 130 homeless children in Yerevan. In 2002, a local NGO reported that nationally there were approximately 900 homeless children and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

A number of international agencies, such as UNICEF, World Vision, the World Bank, and the OSCE, worked with the Government and local groups to upgrade and improve schools, integrate children with special needs into schools, and to facilitate government efforts against trafficking of children.

Trafficking in Persons

The law prohibits trafficking in persons, and offenses committed for "mercenary purposes" are crimes according to a law that took effect in August 2003; however, trafficking in persons from, through, and to the country remained a problem. There were reports that border guards and some prosecutors were complicit in trafficking.

Violations of the law are punishable by fines of up to \$12,195 (6.5 million drams), correctional labor up to 2 years, or imprisonment for up to 8 years, if the crime was committed under aggravated circumstances. In December 2003, police arrested two men in connection with trafficking six women into the country. On June 28, three of the persons were sentenced to between 2 and 4 1/2 years' imprisonment.

On October 4, police detained a man for allegedly trafficking 11 women to engage in prostitution in Turkey. The same day, police arrested a woman for allegedly recruiting women to be trafficked to the United Arab Emirates. Both were charged with pimping, which may carry a lighter penalty than trafficking. No one was charged under the trafficking statute during the year.

A governmental Interagency Commission, the National Police, and the National Security Service are responsible for coordinating and implementing anti-trafficking policy and for combating trafficking. The Government actively sought bilateral cooperation with several trafficking destination countries and regularly shared information with these partners.

The authorities reported that the country is a source and transit point for women and girls trafficked primarily for sexual exploitation to the United Arab Emirates, Turkey, Russia, Uzbekistan, Greece, and other European countries. However, there were reports that the country was also a destination point for trafficked women for sexual exploitation, particularly from Ukraine and Uzbekistan.

There were no reliable estimates on the number of individuals who were trafficked. Trafficking organizations typically recruited victims with the promise of high paying work in another country. Once in the country of destination, victims were deprived of their travel documents, locked in hotel rooms, and told that they must "repay" the cost of their travel. There were reports about women who were encouraged to become recruiters for trafficking rings with a promise of keeping a percentage of their "earnings." Trafficking victims were at greatly increased risk of sexually transmitted diseases, and some reported incidents of physical violence.

Victims reported that some border guards were bribed or worked with the traffickers. In 2002, a criminal group of police employees and employees of the country's international airport was uncovered. The group allegedly assisted traffickers using fraudulent documents to traffic citizens to the UAE for sexual exploitation. The officials allegedly received proceeds regularly from some traffickers working in the UAE. The Prosecutor General opened a criminal investigation into the case. Two police officers and two airport officials were convicted for abuse of power in the case. No prosecutions were reported during the year.

The International Organization for Migration (IOM) and a local NGO, Hope and Help, with funding from foreign governments, operated an assistance program for trafficking victims. The Government did not offer financial assistance, but referred victims to these organizations.

Upon their return, many victims feared societal stigma and discrimination. Government officials did not require victims to aid in finding and prosecuting traffickers; however, they worked with victims who were willing to report their cases.

NGOs and the Government increased trafficking prevention activities, primarily through education and mass media programs to raise public awareness. The Government trained its consular corps to identify signs of trafficking. The Government also collaborated with police in destination countries to apprehend traffickers. Authorities also established a hot line to connect victims with police; however, it only worked in certain parts of the country.

Persons with Disabilities

There was discrimination against persons with disabilities in employment, education, access to health care, and in the provision

of other state services.

The Ministry of Labor and Social Affairs was responsible for protecting the rights of persons with disabilities; however, the ministry lacked the resources to fulfill this responsibility.

It focused primarily on legislative remedies, which were seldom enforced. For example, the law and a government decree mandated accessibility to buildings for persons with disabilities; however, in practice, very few buildings and other facilities were accessible to persons with disabilities.

Institutionalized patients often lacked medication, and care was substandard. Hospitals, residential care, and other facilities for persons with serious disabilities were substandard.

National/Racial/Ethnic Minorities

The population was approximately 98 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. National communities recognized by the Government included Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans. Several hundred Azeris or persons of mixed Azeri heritage maintained a low profile to avoid possible societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages. By law, all children of citizens must be educated in Armenian-language schools. Virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very few classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 30,000 to 40,000 by their leaders, speak a Kurdish dialect and practice a religion derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes; hazing of Yezidi conscripts in the army; and poor police response to serious crimes committed against Yezidis (see Sections 1.c. and 2.c.). On occasion, Yezidi children reported hazing by teachers and classmates. Members of the Yezidi community had tried previously to address their grievances with the Presidential Advisor on National Minorities, but they claimed that all their attempts have been ignored. According to Yezidi community leaders, appeals on their behalf with respect to alleged discrimination were raised at all levels of the Government; however, no government responses were forthcoming.

Other Societal Abuses and Discrimination

Military officers targeted homosexuals for hazing. The Helsinki Association reported cases of police harassment of homosexuals through blackmail, extortion, and, on occasion, violence.

Unofficial reports suggested that during a routine police investigation, police threatened to make one homosexual's sexual orientation public. The man later alleged that police revealed his homosexuality to his employer, and, shortly thereafter, he quit his job.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides employees with the right to form and join trade unions, but employees did not exercise this right in practice. The law stipulates that the right to form associations, including political parties and trade unions, may be limited for persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy.

b. The Right to Organize and Bargain Collectively

Although the law provides for the right to organize and bargain collectively, in practice, there was no collective bargaining. Factory directors generally set pay scales without consulting employees. Labor disputes were arbitrated in regular or economic courts.

The Constitution provides for the right to strike; however, workers rarely exercised this right because workers did not have the financial resources to maintain a strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.

The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment

Under the law, the minimum age of employment is 16; however, in some cases, with the permission of the child's parents and labor union, children may work from age 14 in non-dangerous situations. The law was unevenly enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, and on holidays.

There were reports that children worked in family businesses and on family farms, which is not forbidden by law. Children were also observed on the streets of Yerevan selling newspapers, flowers and working in local markets.

According to the Ministry of Labor and Social Affairs, some children were involved in family businesses, as well as in other business activities, such as agriculture, where such activity is not prohibited by law.

e. Acceptable Conditions of Work

The Government sets the minimum wage by decree. The monthly minimum wage of \$24 (13,000 drams) did not provide a decent standard of living for a worker and family. Approximately 43 percent of the population lived below the poverty line of about \$2 (1,000 drams) or less per day. An estimated 15.9 percent of the population was considered extremely poor, with a daily income of less than \$1 (500 drams).

There was a large shadow economy. As much as 40 percent of overall economic activity, and in some areas, such as retail, as high as 80 percent, took place without being recorded or taxed by local authorities.

The law defines the workweek as 40 hours and provides for mandatory rest periods and overtime compensation. In December, the Government passed legislation that would reset the levels of overtime compensation and limits on required overtime. The Ministry of Labor and Social Welfare oversees workers' rights health and safety but took few affirmative steps to enforce statutory regulations. National unemployment of 20 percent or more and low wages were a problem.

Workers had the right to remove themselves from dangerous work and situations that endangered health and safety; however, in practice, doing so would likely jeopardize their future employment, especially those persons who worked in the shadow economy.